



Attorney's Docket No. WRL-006PAT

1fu
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Thomas W. Wilson

Serial No.: 10/693,790

Group No.: 4143

Filed: October 25, 2003

Examiner: Mark A. Fleischer

For: METHOD AND SYSTEM FOR OPTIMIZING RESOURCE ALLOCATION

Commissioner for Patents

P.O. Box: 1450

Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

**SUBMITTING ONLY THE CORRECTED SECTION OF THE NON-COMPLIANT
AMENDMENT PREVIOUSLY FILED ON MARCH 8, 2009**

1. Transmitted herewith is the Corrected Section of the Non-Compliant Amendment previously filed on March 8, 2009 for this application in response to the Office Action dated July 23, 2009.

Applicant requests that the attached Amendments To The Claims attached hereto be substituted for the corresponding section of the amendment previously filed on March 8, 2009, in response to the non-final Office Action October 8, 2008.

2. Applicant is

 X a small entity.

 other than a small entity.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

FACSIMILE

 x I deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Mail Stop: Amendment, P.O. Box 1450, Alexandria, VA 22313-1450 on July 26, 2009.

 Transmitted by facsimile to the Patent and Trademark Office addressed to the Commissioner of Patents, Mail Stop: Amendment, Alexandria, VA 22313-1450 to the telephone facsimile no. 571-272-8300 on

Signature
Mark F. Smith

Date: July 26, 2009

EXTENSION OF TERM

NOTE- "Extension Of Time in Patent Cases (Supplement Amendments) - if a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action; an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely filed response placed the application in condition for allowance. Of course if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-5).

NOTE- See 37 CFR 1.645 for extensions of time in interference proceedings, and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (a) or (b), as applicable)

**(a) _____ Applicant petitions for an extension of time under 37 CFR 1.136
(fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:**

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
_____ one month	\$ 130.00	\$ 65.00
_____ two months	\$ 490.00	\$245.00
_____ three months	\$1,110.00	\$555.00
_____ four months	\$1,730.00	\$865.00

Fee \$ 0.00

_____ An extension for _____ months has already been secured and the fee paid therefore of
\$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 0.00

OR

(b) _____ Applicant believes that no extension of term is required. However this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)		SMALL ENTITY	OTHER THAN A SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO PREVIOUSLY PAID FOR		EXTRA	RATE	PRESENT FEE OR RATE	ADDIT. FEE
TOTAL *	MINUS **		=	X 52 =	\$	X 26 =	\$0.00
INDEP *	MINUS *** 3		=	X 220 =	\$	X 110 =	\$0.00
___ FIRST PRESENTATION OF MULTIPLE DEP. CLAIM						X 390 =	\$

TOTAL ADDITIONAL FEE: \$0.00

* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

** If the "Highest No Previously Paid for" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 3, enter "3"

The "Highest No. Previously Paid for" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number or claims originally filed.

WARNING "After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 CFR 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

(c) X No additional fee for claims is required

OR

(d) ___ Total additional fee for claims required \$0.00

FEE PAYMENT

5. ___ Attached is a check in the sum of \$ 0.00 .

___ Charge Account No. _____ the sum of \$ _____ .

A duplicate of this transmittal is attached.

FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum six-month period has expired before the deficiency is noted and corrected the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7 1-86, (1065 O.G. 31-33).

6. If any additional extension and/or fee is required, charge Account No.

AND/OR

 If any additional fee for claims is required, charge Account No.

OTHER DOCUMENTS ATTACHED

7. No other documents are attached.

 X The following documents are attached hereto:

Corrected Section (Claims) of the non-compliant amendment previously filed on March 8, 2009 for the above-identified patent application in response to a non-final Office Action dated October 8, 2008.

Reg. No.: 32,437

Tel. No.: 513-379-5846



SIGNATURE OF ATTORNEY

Mark F. Smith

Smith Brandenburg Ltd

905 Ohio – Pike

Cincinnati, Ohio 45245